

VZCZCXR05323

OO RUEHCHI RUEHDT RUEHHM RUEHNH RUEHTRO

DE RUEHGO #0281/01 1350720

ZNY CCCCC ZZH

O 150720Z MAY 09

FM AMEMBASSY RANGOON

TO RUEHC/SECSTATE WASHDC IMMEDIATE 8969

INFO RUCNASE/ASEAN MEMBER COLLECTIVE

RUEHGG/UN SECURITY COUNCIL COLLECTIVE

RUEHBY/AMEMBASSY CANBERRA 1959

RUEHNE/AMEMBASSY NEW DELHI 5437

RUEHUL/AMEMBASSY SEOUL 9030

RUEHKO/AMEMBASSY TOKYO 6606

RUEAIIA/CIA WASHDC

RHHMUNA/CDR USPACOM HONOLULU HI

RUEHGV/USMISSION GENEVA 4422

RHEHNSC/NSC WASHDC

RUCNDT/USMISSION USUN NEW YORK 2413

RUEKJCS/SECDEF WASHDC

RUEHBS/USEU BRUSSELS

RUEKJCS/Joint STAFF WASHDC

C O N F I D E N T I A L SECTION 01 OF 02 RANGOON 000281

SENSITIVE

SIPDIS

STATE FOR EAP AND IO; PACOM FOR FPA

E.O. 12958: DECL: 05/15/2019

TAGS: PGOV PREL PHUM CASC PINR BM

SUBJECT: BURMA: AUNG SAN SUU KYI'S LAWYER ON NEXT STEPS IN
HER CASE, AMCIT YETTAW'S VISIT

REF: A. RANGOON 276

B. RANGOON 279

Classified By: P/E Chief Jennifer Harhigh for Reasons 1.4 (b) & (d)

Summary

¶1. (C) Aung San Suu Kyi (ASSK) personal attorney, Kyi Win (aka Neville), told us May 15 he expects to meet with his client again within the next two days to prepare for the May 18 court hearing. Neville said that ASSK was "disgusted" by Amcit John Yettaw's intrusion to her home and told him to leave, but did not report him to protect him from arrest. Neville confirmed ASSK did not meet Yettaw during his earlier, November 2008 visit. Neville predicts that the court ultimately will convict and deport Yettaw and will convict and jail ASSK. End summary.

Court Proceedings and Next Steps

¶2. (C) Neville clarified that the same May 14 court hearing at Insein Prison Special Court, attended by Conoff (Refs A and B), pronounced the charges pending against both Amcit John Yettaw and ASSK. In accordance with the Burmese legal system, subsequent proceedings will cover the examination of witnesses, presentation of formal charges, and the defendants' pleas. Neville noted ASSK had signed powers of attorney May 14 allowing him to represent her in court.

¶3. (C) Neville plans to apply for bail for ASSK and for open hearings, but he is skeptical either will be granted. The prosecution has listed 22 witnesses in the case against ASSK; Neville plans to seek ASSK's advice on defense witnesses. He told us he expects to see her May 16 or 17 to discuss the pending charges before she appears in court as scheduled May 18. Neville said ASSK and her two personal assistants are currently staying together in a "guest house" in the Insein Prison compound.

ASSK: "Disgusted" by Yettaw

¶4. (C) Neville said ASSK told him she met with Yettaw during his visit to her house, but she asked him to leave. Neville told us Yettaw remained in the house for only one night -- May 4 -- contrary to the police account which alleges he spent two nights there (Note: Yettaw has acknowledged privately to Conoff that he spent 44 hours at her compound, but did not elaborate whether this period covered one or two overnight stays. End note.) According to Neville, ASSK said she was "disgusted" with Yettaw but gave him a room to rest because he was suffering from cramps. She did not report Yettaw's presence to authorities because she did not want him to face arrest. ASSK told Neville that many National League for Democracy members and other supporters have been arrested; she did not want another person arrested "because of me."

¶5. (C) Neville reported that ASSK's younger personal assistant had been terrified of Yettaw, and she had crouched in a back room with a stick. Neville said ASSK laughed off the rumors about Yettaw's caper being a regime plot, saying "it's just not true." Neville confirmed that ASSK is in good health and in good spirits. She told Neville, "Uncle, have a stout heart."

The Doctor's Possible Connection

¶6. (C) Neville had no information on the current whereabouts of Dr. Tin Myo Win (aka Dr. Douglas) but speculated that he would soon be charged in connection with

RANGOON 00000281 002 OF 002

Yettaw's previous visit to ASSK's compound in November 2008 (Refs A and B). According to Neville, ASSK did not meet Yettaw during his November 2008 visit; nor did he spend the night. (Note: This matches Yettaw's account of that visit and notably contrasts with regime allegations that he spent two nights and met ASSK at that time.) ASSK, when informed of the attempted visit in November, had asked Dr. Douglas to report Yettaw to authorities, which he did. Neville said that authorities might seize upon the fact that Dr. Douglas did not inform them in writing.

Prediction: Yettaw will be Deported, ASSK Jailed

¶7. (C) Neville assesses that the regime will likely present its case quickly, convict Yettaw, and then deport him, as happened with James Mawdsley, a dual UK/Australian national and self-described democracy activist, several years back. According to Neville, Mawdsley, was arrested and deported from Burma three times for his activities, which included chaining himself to the gate of a high school in Rangoon. Neville said he expects ASSK will be convicted and jailed.

Lawyer to Convey Messages of Support to ASSK

¶8. (C) Poloff relayed to Neville the Secretary's May 14 remarks concerning ASSK and noted that numerous other U.S. officials, including Members of Congress, have issued statements. With eyes tearing, Neville promised to inform ASSK of the world's concern for her situation, and he observed that the U.S. is always at the forefront when it comes to speaking out on ASSK's behalf.

Comment

¶9. (C) Neville, nearly 80 years old, is girding for yet another legal battle on behalf of his peerless client. He asked that the U.S. and other countries urge the regime to follow all legal procedures strictly. Even as he strives to follow the letter of the law, he appears resigned to the likely scenario: the regime will exploit the Yettaw incident to attempt to smear ASSK and justify her continued detention.

DINGER